

under certain conditions and requirements, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 56, A bill to be entitled "An Act making appropriation for the construction and equipment of a coastal and marine biological laboratory on the coast of Texas as a part of the department of biology of the Texas College of Arts and Industries; providing for its maintenance, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 59, A bill to be entitled "An Act to appropriate money to pay judgment for the sum of \$2,627.51 against the State of Texas in favor of Alton E. Stewart in Cause No. _____ in the 126th District Court of Travis County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 62, A bill to be entitled "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and lim-

iting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

FIFTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
October 10, 1935.

The Senate met at 10:05 o'clock a. m., pursuant to recess, and was called to order by President Pro Tempore, Will M. Martin.

House Bill No. 18.

Pending business was House Bill No. 18, with pending amendment by Senator Holbrook.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

Hon. Will M. Martin, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

(With amendments.)

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the per diem of members, officers, and employees and to pay contingent expenses of the First Called Session of the Forty-fourth Legisla-

ture of the State of Texas, and declaring an emergency."

H. C. R. No. 16, "Authorizing the State Highway Department to lend to the City of Hearne and the County of Robertson certain paving equipment."

H. B. No. 100, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by general or special law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation, etc., and declaring an emergency."

H. C. R. No. 12, "Granting permission to Mrs. Nina R. Wiegand and husband, Henry J. Wiegand, of Galveston County, to bring suit against the State of Texas, for property damage."

The House has passed the following bill:

S. B. No. 41, A bill to be entitled "An Act to amend Section 5, Chapter 186, Acts Thirty-ninth Legislature, Regular Session, 1925, so as to permit the State Highway Department, in conjunction with the Bureau of Public Roads, to expend upon roads not a part of the system of State highways, funds specifically appropriated for expenditure on such roads under the National Industrial Recovery Act, passed by Seventy-third Congress, June 16, 1933 Act of Congress, June 18, 1934 (H. R. 8781), and Emergency Relief Appropriation Act, passed by Seventy-fourth Congress on April 8, 1935; to permit such funds to be supplemented for certain purposes from the State Highway Fund; suspending all laws or parts of laws in conflict herewith, and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 19. The following are conferees on the part of the House:

Good, Shofner, Aikin, Roberts and Stinson.

The House has concurred in Sen-

ate Amendments to H. B. No. 101 by a vote of 119 yeas and 7 nays.

The House has concurred in Senate amendments to H. B. No. 114 by a vote of 119 yeas, 7 nays.

The House has concurred in Senate Amendments to H. C. R. No. 15 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

The Chair recognized Senator Woodruff who received unanimous consent to send up the following bill:

Senate Bill No. 65.

By Senator Woodruff:

S. B. No. 65, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, out of the General Revenue Fund, and authorizing payment of said miscellaneous claims on taking effect of this Act, and declaring an emergency."

Read and referred to the Committee on Finance.

Senator Hill was recognized and received unanimous consent to send up the following bill:

Senate Bill No. 66.

By Senator Hill:

S. B. No. 66, A bill to be entitled "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances annexing adjacent territory to or extending and prescribing the corporate limits of an incorporated city incorporated and functioning under the General Laws of Texas, under commission form of government; and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

Senator Westerfeld was recognized and received unanimous consent to suspend the regular order of business to send up the following bill:

Senate Bill No. 67.

By Senator Westerfeld:

S. B. No. 67, A bill to be entitled "An Act to amend Article 6243-a, Title 109, page 243, Second Supplement, Texas Revised Civil Statutes,

as amended by H. B. No. 30, passed by the First Called Session of the 43rd Legislature, 1933, providing for pensions on reaching the age of 65 years of persons employed in the Fire, Police and Fire Alarm Operator's Department of any incorporated city or town containing more than 240,000 inhabitants and less than 275,000 inhabitants according to the last preceding Federal census; the members to provide for the retirement after twenty (20) years service in either department; providing for Certificate of Retirement, etc., and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

H. C. R. No. 16.

Senator Stone was recognized and asked unanimous consent to suspend the regular order of business to take up H. C. R. No. 16.

Objections were heard.

House Bill No. 18.

Recurring business was the reading of the pending amendment.

Points of Order.

Senator Van Zandt raised the point of order that the amendment was out of order as it violates Sections 30 and 35 of Article 3 of the Constitution.

Senator Holbrook raised the point of order that the point of order raised by Senator Van Zandt was out of order until the amendment had been read.

The Chair sustained the point of order raised by Senator Holbrook.

The Secretary continued reading the amendment.

Point of Order.

Senator Van Zandt raised a point of order on the amendment offered by Senator Holbrook to the Woodruff Amendment to H. B. No. 18, as it violates the Constitution of the State of Texas, particularly Sections 30 and 35 of Article 3, citing the ruling on page 254 of House Journal 44th Regular Session.

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith, making an appropriation; defining stores, defining certain violations to be offenses; prescribing penalties for the violation thereof; providing if any part of this Act is declared unconstitutional or invalid, it shall not affect the validity of the remainder of this Act, and declaring an emergency."

The Chair overruled the point of order.

Senator Van Zandt received unanimous consent to have the caption to the bill included in the point of order.

Points of Order.

Senator DeBerry was recognized and sent up the following:

Mr. President, I raise the point of order that the amendment by the Senator from Galveston is out of order because it violates Sec. 36 of Article 3 of the Constitution and refer the Chair to the ruling and point of order on pages 1153 and 1154 of the Senate Journal of the Regular Session of the 44th Legislature.

DEBERRY.

Pending.

Senator Holbrook raised the point of order that the DeBerry point of order was not well taken because it seeks to destroy a tax raising measure by pointing to a defect in one Section.

The Chair overruled point of order by Senator DeBerry.

Senator Holbrook yielded to Senator Redditt, who received unanimous consent to suspend the regular order of business and sent up committee reports.

House Bill No. 130.

Senator Redditt received unanimous consent to take up the following bill:

The Chair laid before the Senate the following bill:

By Mr. Leonard:

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Seventy-five Thousand Dollars (\$75,000) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the contingent expenses of the First Called Session of the Forty-fourth Legislature of the State of Texas; etc., and declaring an emergency."

On motion of Senator Redditt the rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 130 was put on its second reading by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Redditt moved the adoption of Committee Amendments Nos. 1 and 2.

The committee amendments were adopted.

The bill was read second time as amended, and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 130 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Motion to Recess.

Senator Redditt at 12:10 o'clock p. m., moved that the Senate recess until 2:15 o'clock p. m. today.

Motion pending.

Senate Bill No. 68.

Senator Redditt yielded to Senator Shivers, who received unanimous consent to suspend the regular order of business and sent up the following bill:

By Senator Shivers:

S. B. No. 68, A bill to be entitled "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods and storms which caused great destruction of property and loss of life in said county; remitting, releasing, granting, and donating to the property in and inhabitants of said county and to Orange County nine-tenths (9/10) of all ad valorem taxes levied, or to be levied, on property in said county, including the rolling stock of railroads for the years 1932-1957, both inclusive, providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

Read and referred to the Committee on State Affairs.

H. C. R. No. 16.

Senator Stone received unanimous consent to suspend the regular order of business and to take up H. C. R. No. 16.

The Chair laid before the Senate the following resolution:

H. C. R. No. 16, "Authorizing the State Highway Department to lend to the City of Hearne and the County of Robertson certain paving equipment."

Senator Stone moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously.

H. C. R. No. 16 was adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of H. C. R. No. 16.

Bills and Resolution Referred.

H. B. No. 130 was referred to the Committee on Finance.

H. B. No. 100 was referred to the Committee on Education.

H. C. R. No. 12 was referred to the Committee on State Affairs.

Bills Signed.

The Chair, President Pro Tem. Will M. Martin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 51. S. B. No. 8.

Recess.

The motion to recess prevailed at 12:17 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess and was called to order by President Pro Tem. Will M. Martin.

House Bill No. 18.

Pending business was the pending amendment by Senator Holbrook.

Senator Holbrook yielded to Senator Pace, who received unanimous consent to suspend the regular order of business and sent up the following bills:

Senate Bill No. 69.

By Senator Pace:

S. B. No. 69, A bill to be entitled "An Act permitting the Board of County School Trustees of Smith County, Texas, to employ a Rural School Supervisor; prescribing the duties of said supervisor; fixing and providing for the payment of salary and expenses of said supervisor out of the State and county available school funds; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 70.

By Senator Pace:

S. B. No. 70, A bill to be entitled "An Act to readjust and fix the salary of the County Superintendent of Public Instruction of Smith County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Bills and Resolutions Signed.

The Chair, President Pro Tem. Will M. Martin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. C. R. No. 5.	H. B. No. 23.
H. C. R. No. 6.	H. B. No. 25.
H. C. R. No. 7.	H. B. No. 26.
H. C. R. No. 15.	H. B. No. 27.

H. C. R. No. 14. H. B. No. 28.
H. C. R. No. 16. H. B. No. 29.
H. B. No. 101. S. B. No. 41.

Senator Holbrook yielded to Senator Regan, who received unanimous consent to suspend the regular order of business and sent up the following bill:

Senate Bill No. 71.

By Senators Moore and Regan:

S. B. No. 71, A bill to be entitled "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said Chapter, Article 6795a, authorizing county commissioners' courts situated within any county having not less than 350,000 population according to the last preceding Federal census, to construct, build, acquire, own, operate, and maintain a toll underpass or tunnel in the State of Texas; and authorizing such commissioners' courts to contract with a proper person, firm or private corporation to own, finance, build, construct, maintain and operate a toll underpass or tunnel and to grant a franchise for that purpose for a period of not to exceed fifty (50) years, with the right of eminent domain, authorizing the promulgation of reasonable traffic rules and regulations and fixing reasonable rates; repealing all laws or parts of laws in conflict with this Act. and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senator Holbrook yielded to Senator Nelson who received unanimous consent to suspend the regular order of business to send up the following bill:

Senate Bill No. 72.

By Senator Nelson:

S. B. No. 72, A bill to be entitled "An Act validating, ratifying and confirming the election of trustees, all acts of such trustees, the ordering of election in certain independent school districts for the purpose of issuing bonds, the issuance and sale of such bonds and the levy and assessment of taxes in such districts for the purpose of liquidating such bonds in all independent school districts in the State of Texas heretofore created by an Act or Acts of the Legislature providing for the

election of three trustees in such districts and which in fact seven trustees have been elected, and declaring an emergency."

Read and referred to the Committee on Education.

Senator Holbrook yielded to Senator Redditt for a privilege motion.

House Bill No. 130.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on H. B. No. 130.

The motion prevailed by viva voce vote.

Conference Committee.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 130;

Senators Redditt, Rawlings, Pace, Burns and Shivers.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 10, 1935.

Hon. Will M. Martin, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 130, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Mr. Leonard, Mrs. Moore, Messrs. Bergman, Wood of Montague and Dunlap of Kleberg.

The House has passed the following bills:

S. B. No. 5, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and

in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this Act shall control over any provisions in any city charter to the contrary and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, etc., and declaring an emergency."

H. B. No. 91, A bill to be entitled "An Act granting W. E. Bush of San Angelo, Tom Green County, Texas, permission to bring suit against the State of Texas and the State Highway Department of Texas for damages for personal injuries on account of the negligence of an employee of the State Highway Department, while W. E. Bush was employed on construction work on State Highway No. 70; etc., and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act to amend Article No. 2956 Revised Civil Statutes of Texas of 1925 as amended by the Regular Session of the Forty-fourth Legislature and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, and declaring an emergency."

H. B. No. 95, A bill to be entitled "An Act to amend Article 2968 of the 1925 Civil Statutes of Texas, as amended by the First Called Session of the Forty-first Legislature, providing that the exemption certificates for the poll tax shall be secured before the first day of February, and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act to validate all tax values and outstanding warrants or scrip in certain counties in which the commissioners' courts have failed to comply with the provisions of the uniform budget law; making this Act applicable only to counties having a population of not less than twenty-seven thousand and not more than twenty-eight thousand according to the next preceding Federal census; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act making an appropriation for the Galveston State Psychopathic Hospital, providing for the purpose thereof; and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act making an appropriation of Forty-five (\$45.00) Dollars to pay S. B. Carr, Judge of the Eighty-first Judicial District of Texas, for his expenses incurred in exchange of benches; and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 13, 1935, setting forth the method of operation, etc., and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act creating a special road law for Bailey County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10, 1935, setting forth the method of operation, etc; and declaring an emergency."

H. B. No. 121, A bill to be entitled "An Act authorizing navigation districts organized under Chapter 5, Act of the Regular Session, 1925, to issue refunding bonds; providing for the payment thereof; authorizing the pledge of sinking funds and delinquent taxes to the payment thereof; enacting other provisions pertinent thereof; enacting other provisions pertinent thereto; and declaring an emergency."

H. B. No. 122, A bill to be entitled "An Act to amend Article 6243-a, Title 109, page 243, Second Supple-

ment, Texas Revised Civil Statutes, as amended by the Forty-third Legislature, 1933, providing for pensions on reaching the age of sixty-five of persons employed in the Fire, Police and Fire Alarm Operators' Departments of any incorporated city or town containing more than 240,000 inhabitants and less than 275,000 inhabitants, according to the last preceding Federal census, etc., and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act empowering cities of 290,000 or more inhabitants to build and purchase, mortgage and encumber exposition and convention halls or either and the income thereof and to evidence the obligations therefor by bonds, notes or warrants and to secure the payment of funds to purchase same or to remodel, renovate or repair same; etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senator DeBerry sought recognition from the Chair.

The Chair stated that Senator Holbrook had the floor and had yielded to Senator Redditt.

Point of Order.

Senator DeBerry raised the point of order that Senator Holbrook had yielded the floor without reservation.

The Chair overruled the point of order, stating that the motion by Senator Redditt was a privileged one.

Senate Bill No. 5.

Senator Holbrook yielded to Senator Rawlings, who asked unanimous consent to take up S. B. No. 5 for reconsideration.

There was objection.

Bill Referred.

H. B. No. 24 was read and referred to the Committee on State Affairs.

Senator Pace was recognized and received unanimous consent to send up the committee report on H. B. No. 24.

Senator Holbrook yielded to Senator Rawlings, who received unanimous consent to suspend the regular order of business to take up H. B. No. 24.

The Chair laid before the Senate.

House Bill No. 24 .

By Senator Knetsch:

H. B. No. 24, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, etc., and declaring an emergency."

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 24 was put on its second reading by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 24 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—1.

Davis.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Rawlings.
Burns.	Redditt.
Collie.	Regan.
Cotten.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Nelson.	Woodruff.
Oneal.	

Nays—6.

Davis.	Holbrook.
DeBerry.	Poage.
Hill.	Westerfeld.

Absent.

Pace.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Bills Referred.

H. B. No. 91 referred to the Committee on State Affairs.

H. B. No. 55 referred to the Committee on State Affairs.

H. B. No. 93 referred to the Committee on Criminal Jurisprudence.

H. B. No. 95 referred to the Committee on Privileges and Elections.

H. B. No. 111 referred to the Committee on Finance.

H. B. No. 103 referred to the Committee on State Affairs.

H. B. No. 105 referred to the Committee on Finance.

H. B. No. 118 referred to the Committee on State Affairs.

H. B. No. 119 referred to the Committee on State Affairs.

H. B. No. 122 referred to the Committee on Insurance.

H. B. No. 121 referred to the Committee on State Affairs.

H. B. No. 129 referred to the Committee on Towns and City Corporations.

H. B. No. 125 referred to the Committee on Privileges and Elections.

House Bill No. 18.

Pending business.

Senator Rawlings asked unanimous consent to send up amendments to H. B. No. 18.

There was objection.

Senator Holbrook yielded to Senator Cotten, who received unanimous consent to send up committee report on S. B. No. 58.

House Bill No. 18.

Pending business was the pending amendment by Senator Holbrook.

Motion to Table.

Senator DeBerry moved to table the pending amendment.

The motion prevailed by the following vote:

Yeas—15.

Blackert.	Hill.
Burns.	Isbell.
Collie.	Nelson.
Cotten.	Oneal.
DeBerry.	Pace.

Poage. Westerfeld.
Shivers. Woodruff.
Sulak.

Nays—13.

Davis. Redditt.
Holbrook. Regan.
Hopkins. Sanderford.
Hornsby. Small.
Martin. Stone.
Neal. Van Zandt.
Rawlings.

Absent—Excused.

Beck. Moore.
Fellbaum.

Senator Hopkins sent up the following amendment:

Amend H. B. No. 18 as amended, Section 2, by adding after the word "co-partnership" in line 2 of said Section the following, viz:

"and/or any person, firm, co-partnership, association, or co-partnership operating or doing business under the same general management, corporate, or trade name."

HOPKINS.

Read and pending.

Senator Hopkins had the floor on discussion of the amendment.

Privileged Motion.

Senator DeBerry moved that the previous question be ordered on the pending amendment offered by Senator Hopkins and the engrossment of the bill.

By unanimous consent of the Senate the other eight amendments by Senator Hopkins were included in the motion for the previous question.

The motion was duly seconded.

The previous question was ordered by the following vote:

Yeas—15.

Blackert. Oneal.
Burns. Pace.
Cotten. Poage.
Davis. Shivers.
DeBerry. Sulak.
Hill. Westerfeld.
Martin. Woodruff.
Nelson.

Nays—13.

Collie. Hornsby.
Holbrook. Isbell.
Hopkins. Neal.

Rawlings. Small.
Redditt. Stone.
Regan. Van Zandt.
Sanderford.

Absent—Excused.

Beck. Moore.
Fellbaum.

House Bill No. 130.

Senator Hopkins yielded to Senator Redditt who sent up the following Conference Committee report:

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President
of the Senate.
Hon Coke Stevenson, Speaker of the
House.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 130, have had same under consideration and beg to report back with recommendation that it do pass in the form attached hereto.

Respectfully submitted,

REDDITT,
BURNS,
SHIVERS,
RAWLINGS,

On the part of the Senate.

LEONARD,
WOOD,
MOORE,
DUNLAP,
BERGMAN,

On the part of the House.

By Leonard. H. B. No. 130.

A BILL

To Be Entitled

An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the First Called Session of the Forty-Fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session, for which claims have been filed.

Of the sum of Fifty Thousand Dollars hereby appropriated, the sum of Ten Thousand Dollars is hereby designated for expenditure under the terms of House Simple Resolution Number 35, First Called Session of the Forty-fourth Legislature, and the Comptroller of Public Accounts is hereby authorized and directed to set aside the aforementioned Ten Thousand Dollars for expenditure in compliance with the terms of said House Simple Resolution Number 35, and said sum shall not be used for any other purpose.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President of the Senate, or the Certificate of the Chief Clerk of the House of Representatives approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which to audit the claims for per diem of members and the salaries and per diem of officers and employes of the First Called Session of the Forty-fourth Legislature, also unpaid expenses of the Forty-fourth Legislature, Regular Session, and he shall issue the necessary warrants for same upon the Treasury of the State of Texas.

Sec. 3. The certificate of the chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or the certificate of the chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to the Comptroller to issue upon the Treasury of the State of Texas for the payment of accounts for contingent expenses for either House, also to cover unpaid expenses of the Regular Session of the Forty-fourth Legislature.

Sec. 4. Providing, however, that a record of all moneys appropriated in this bill shall be made available for public inspection the same as any other public record in this State. The Senate and the House shall each publish an itemized account of expenditures in its own Journal and state the amount spent by each member of each House, as it has been done in House Journal.

Sec. 5. The fact that the First Called Session of the Forty-fourth Legislature of the State of Texas is now in session, and public policy requires that the appropriations made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Redditt the Conference Committee report was adopted by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Senator Hopkins yielded to Senator Rawlings.

Senator Rawlings asked unanimous consent to send up a concurrent resolution recalling S. B. No. 5 from the Governor's office.

Objection was heard.

Senator Shivers asked unanimous consent that Senator Hopkins yield to a motion to recess.

Objections were heard.

Points of Order.

Senator Small raised the point of order that a motion to adjourn or to recess was in order at any time, without the Senator who had the floor, losing the floor.

The Chair, Senator Woodruff presiding, overruled the point of order.

Senator DeBerry raised the point of order that, a point of order had been raised by Senator Small, and had been ruled upon, and that the matter before the Senate was the pending amendment by Senator Hopkins.

The Chair overruled the point of order.

The Chair, Senator Woodruff prethe fact, that Senator Hopkins had recognition: Senator DeBerry arose to move the previous question; Senator Hopkins appealed to the Chair and to Senator DeBerry that he had yielded the floor on yesterday, for some other purpose, and that in fairness to himself he ought to have considered the nine amendments which he had to offer. Unanimous consent was asked, regardless of rules to place the nine amendments on the Secretary's desk for consideration consecutively, with the understanding at that time, although it was against the Chair's views on the matter, that the Senator from Gonzales, would discuss his amendments as they come up and as they were offered. If that is true the Senator from Gonzales, without the interposition of a motion to recess, may conclude his discussion on Amendment No. 1, a vote may then be taken and the Senator from Gonzales is then entitled to discuss Amendment No. 2 and so on through the series.

Senator DeBerry appealed from the ruling of the Chair.

Senator Woodruff called President Pro Tem. Will Martin to the Chair.

President Pro Tem. Will Martin stated the question was, Shall the Chair be sustained?

The Chair was sustained by the following vote.

Yeas—16.

Collie.	Hornsby.
Holbrook.	Isbell.
Hopkins.	Martin.

Neal.
Nelson.
Rawlings.
Redditt.
Regan.

Sanderford.
Shivers.
Small.
Stone.
Van Zandt.

Nays—11.

Blackert.
Burns.
Cotten.
Davis.
DeBerry.
Hill.

Oneal.
Pace.
Poage.
Sulak.
Westerfeld.

Present—Not Voting.

Woodruff.

Absent—Excused.

Beck.
Fellbaum.

Moore.

Motion to Recess.

The question recurred on the motion to recess.

The motion to recess failed by the following vote:

Yeas—13.

Holbrook.
Hopkins.
Hornsby.
Isbell.
Neal.
Rawlings.
Redditt.

Regan.
Sanderford.
Shivers.
Small.
Stone.
Van Zandt.

Nays—15.

Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Hill.
Martin.

Nelson.
Oneal.
Pace.
Poage.
Sulak.
Westerfeld.
Woodruff.

Absent—Excused.

Beck.
Fellbaum.

Moore.

House Bill No. 18.

The question recurred on the adoption of Amendment No. 1 by Senator Hopkins.

A second reading was called for.

The amendment lost by the following vote:

Yeas—9.

Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Neal.	Van Zandt.
Rawlings.	

Nays—19.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.
Nelson.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Motion to Recess.

Senator Redditt was recognized and moved that the Senate recess until 10:00 o'clock a. m., Friday.

The motion lost by the following vote:

Yeas—13.

Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Neal.	Stone.
Rawlings.	Van Zandt.
Redditt.	

Nays—15.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Sulak.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Martin.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amendment No. 2.

H. B. No. 18, as amended, amends page 6 of printed copy, Sec. 7, line 11, after the comma, by adding the following, viz:

"and/or any person, firm, corporation, association or copartnerships

operating or doing business under the same general management, corporate or trade name."

HOPKINS.

Read.

The Chair, President Pro Tem., Will M. Martin, stated that Senator Hopkins had lost the floor under the previous ruling.

Point of Order.

Senator Small raised the point of order that the Chair was responsible for the dilemma, in that he recognized Senator Redditt, and accepted and put the motion himself, knowing the full statement of facts and the full conditions, and therefore deprived Senator Hopkins of his rights.

The Chair accepted the blame and requested the Secretary to call the roll on Amendment No. 2.

Amendment No. 2.

Amendment No. 2 by Senator Hopkins failed of adoption by the following vote:

Yeas—9.

Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Small.
Neal.	Van Zandt.
Rawlings.	

Nays—18.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent.

Sanderford.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amendment No. 3.

Amend H. B. No. 18, as amended, Sec. 2, lines 56 and 57, page 4, of printed bill by striking out the words and figures "Fifty (50) Cents" and add in lieu thereof the following, viz:

"Five Dollars."

HOPKINS.

Read.

Amendment No. 3 failed of adoption by the following vote:

Yeas—7.

Hopkins.	Regan.
Hornsby.	Small.
Neal.	Van Zandt.
Rawlings.	

Nays—16.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Stone.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent.

Davis.	Sanderford.
Holbrook.	Shivers.
Redditt.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amendment No. 4.

Amend H. B. No. 18, as amended, Sec. 8, line 20, by striking out the words and figures, "Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars," and insert in lieu thereof the following, viz.:

"Five Hundred (\$500.00) Dollars, nor more than One Thousand (\$1000.00) Dollars."

HOPKINS.

Read.

Point of "No Quorum."

Senator Poage raised the point of "no quorum."

A roll call was ordered.

The roll call disclosed a quorum present.

Amendment No. 4 failed of adoption by the following vote:

Yeas—6.

Hopkins.	Rawlings.
Hornsby.	Regan.
Neal.	Van Zandt.

Nays—18.

Blackert.	Cotten.
Burns.	Davis.
Collie.	DeBerry.

Hill.	Poage.
Isbell.	Small.
Martin.	Stone.
Nelson.	Sulak.
Oneal.	Westerfeld.
Pace.	Woodruff.
	Absent—Excused.
Beck.	Redditt.
Fellbaum.	Sanderford.
Holbrook.	Shivers.
Moore.	

Amendment No. 5.

Amend H. B. No. 18, as amended, Section 5, page 5, by striking out all of lines 42 to 59, inclusive, and substituting in lieu thereof the following:

(1) Upon one (1) store the license fee shall be One Dollar (\$1.00).

(2) Upon each additional store in excess of one (1) but not to exceed two (2), the license fee shall be Three Dollars (\$3.00).

(3) Upon each additional store in excess of two (2) but not to exceed five (5), the license fee shall be Five Dollars (\$5.00).

(4) Upon each additional store in excess of five (5) but not to exceed ten (10), the license fee shall be Ten Dollars (\$10.00).

(5) Upon each additional store in excess of ten (10) but not to exceed twenty (20), the license fee shall be Thirty Dollars (\$30.00).

(6) Upon each additional store in excess of twenty (20) but not to exceed thirty-five (35), the license fee shall be Fifty Dollars (\$50.00).

(7) Upon each additional store in excess of thirty-five (35) but not to exceed fifty (50), the license fee shall be One Hundred Dollars (\$100.00).

(8) Upon each additional store in excess of fifty (50), the license fee shall be One Hundred Fifty Dollars (\$150.00).

HOPKINS.

Read.

Amendment No. 5 failed of adoption by the following vote:

Yeas—10.

Collie.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Neal.	Van Zandt.
Rawlings.	Woodruff.

Nays—13.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Martin.	

Absent.

Holbrook.	Sanderford.
Isbell.	Shivers.
Redditt.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amendment No. 6.

Amend H. B. No. 18, as amended, page 4, line 28, by inserting between the word "domestic" and the word "to" the following: "(except such person, firm or corporation whose annual gross business does not exceed the sum of \$30,000.00.)"

HOPKINS.

Read.

Amendment No. 6 failed of adoption by the following vote:

Yeas—3.

Hopkins.	Regan.
Rawlings.	

Nays—20.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Small.
DeBerry.	Stone.
Hill.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Isbell.	Shivers.

Amendment No. 7.

Amend H. B. No. 18, as amended, page 5, line 26, by inserting between the words "ownership" and "shall" the following: "(except such per-

son, firm or corporation whose annual gross business does not exceed the sum of \$30,000.00.)"

HOPKINS.

Read.

Amendment No. 7 failed of adoption by the following vote:

Yeas—3.

Hopkins.	Regan.
Rawlings.	

Nays—20.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Small.
DeBerry.	Stone.
Hill.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Isbell.	Shivers.

Amendment No. 8.

Amend H. B. No. 18, as amended, by adding at the end of Section 5, a new paragraph to read as follows: "Such licensees, in addition to the foregoing fees, shall pay to the State of Texas the further sum equivalent to 2% of their annual gross receipts. The funds derived from this source shall be deposited in the State Treasury in a special fund to be known as "Old Age Pension Fund," and shall be expended for the purpose of furnishing old age assistance to persons qualified to receive pensions under the laws of this State."

HOPKINS.

Read.

Amendment No. 8 failed of adoption by the following vote:

Yeas—11.

Collie.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Neal.	Sulak.
Rawlings.	Van Zandt.
Regan.	

Nays—13.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Martin.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	Shivers.
Isbell.	

Amendment No. 9.

Amend H. B. No. 18, as amended, Page 5, line 33, by striking out the words, "or any place of business engaged exclusively in the sale of gasoline and other petroleum products," and inserting in lieu thereof the following: "or any place of business engaged exclusively in the storing, selling or distributing of petroleum products and servicing of motor vehicles."

HOPKINS.

Read.

Amendment No. 9 was adopted by viva voce vote.

H. B. No. 18 was read the second time as amended and passed to engrossment by the following vote:

Yeas—18.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Nays—8.

Hopkins.	Regan.
Hornsby.	Sanderford.
Neal.	Small.
Rawlings.	Van Zandt.

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	

Reason for Vote.

I voted against H. B. No. 18, "Chain Store Tax Bill" because it is discriminatory, unfair and punitive

in that it is Legislation for one group of chain stores against another group and has lost sight of the consumer who ultimately will pay the tax, and further, because it has a tendency to prohibit instead of raising revenue. I am for a reasonable and fair chain store tax which would have for its purpose the raising of revenue. I am convinced that H. B. No. 18, as amended in the Senate, is not complying with the Democratic platform of chain stores, and I refuse to vote for any measure that has for its purpose to destroy industry and to the injury of the masses.

VAN ZANDT.

Senator Poage moved to suspend the constitutional rule requiring bills to be read on three several days and put H. B. No. 18 on its third reading and final passage.

The motion failed by the following vote:

Yeas—17.

Blackert.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Shivers.
DeBerry.	Sulak.
Hill.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Nays—9.

Hopkins.	Sanderford.
Hornsby.	Small.
Neal.	Stone.
Rawlings.	Van Zandt.
Regan.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	

The Chair recognized Senator Small who called up H. B. No. 1.

House Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws

and parts of laws and amending the same; and declaring an emergency." Read the second time.

The Chair recognized Senator Poage.

Motion to Adjourn.

Senator Poage at 7:52 o'clock p. m. moved that the Senate adjourn until 8 o'clock p. m. today.

Senator Stone moved that the Senate adjourn until 10 o'clock a. m. Friday.

The motion to adjourn until 10 o'clock Friday failed by the following vote:

Yeas—4.

Rawlings.	Stone.
Sanderford.	Van Zandt.

Nays—22.

Blackert.	Neal.
Burns.	Nelson.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Regan.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	

Adjournment.

The motion to adjourn until 8 o'clock p. m. prevailed by the following vote:

Yeas—17.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Shivers.
Davis.	Sulak.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Isbell.	Woodruff.
Nelson.	

Nays—7.

Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	

Absent.

Small.	Stone.
Absent—Excused.	
Beck.	Moore.
Fellbaum.	Redditt.
Holbrook.	

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, October 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 51 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 41 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 8 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 65, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, out of the General Revenue Fund, and authorizing payment of said miscellaneous claims on taking effect of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be passed, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. , 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the per diem of members, officers and employees and to pay contingent expenses of the First Called Session of the Forty-fourth Legislature of the State of Texas; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said session or of other persons, authorized either by the Senate or the House of Representatives; providing how accounts may be approved; providing for the keeping of separate accounts of expenditures of the House and Senate by the Comptroller; making provision with reference to sums appropriated for a specific purpose; providing that a record of all monies appropriated in this bill shall be made a public record; providing for publishing itemized accounts in Senate and House Journals, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments Nos. 1 and 2, and be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 130, by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary to pay the contingent expenses and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth

Legislature, Regular Session, for which claims have been filed.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President of the Senate, or the certificate of the Chief Clerk of the House of Representatives, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which to audit the claims for mileage and per diem of members and the salaries and per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also unpaid expenses of the Forty-fourth Legislature, Regular Session, and he shall issue the necessary warrants for same upon the Treasury of the State of Texas.

Sec. 3. The certificate of the Chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or the certificate of the chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to the Comptroller to issue upon the Treasury of the State of Texas for the payment of accounts for contingent expenses for either House, also to cover unpaid expenses of the Regular Session of the Forty-fourth Legislature.

Sec. 4. Providing, however, that a record of all monies appropriated in this bill shall be made available for public inspection the same as any other public record in this State. The Senate and House shall each publish an itemized account of expenditures in its own Journal and state the amount spent by each member of each House, as it has been done in House Journal.

Sec. 5. The fact that the First Called Session of the Forty-fourth Legislature of the State of Texas is now in session, and public policy requires that the appropriations made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 130 by striking out all above the enacting clause and substituting in lieu thereof the following:

"An Act making an appropriation of the sum of Fifty Thousand \$50,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of Forty-fourth Legislature, Regular Session, and declaring an emergency."

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 24, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this Act shall control over any provisions in any city charter to the contrary and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act permitting the Board of County School Trustees of Smith County, Texas to employ a rural school supervisor; prescribing the duties of said supervisor; fixing and providing for the payment of salary and expenses of said supervisor out of the State and county available school funds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to readjust and fix the salary of the county superintendent of public instruction of Smith County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 118, A bill to be entitled "An Act creating a special road law for Lamb County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 13, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refund-

ing bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 63, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Forty-third Legislature, so as to provide that directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the board and attending to other business of the Authority; fixing the amount of such fees; making an appropriation to said Authority; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 103, A bill to be entitled "An Act to validate all tax values and outstanding warrants or scrip in certain counties in which the commissioners' courts have failed to comply with the provisions of the Uniform Budget Law; making this Act applicable only to counties having a population of not less than twenty-seven thousand (27,000) and not more than twenty-eight thousand (28,000) according to the next preceding Federal census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 91, A bill to be entitled "An Act granting W. E. Bush of San Angelo, Tom Green County, Texas, permission to bring suit against the State of Texas and the State Highway Department of Texas, for damages for personal injuries on account of the negligence of an employee of the State Highway Department, while W. E. Bush was employed on construction work on State Highway No. 70; providing for place of venue; providing such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; providing for contingent appropriation to pay any judgment recovered, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 119, A bill to be entitled "An Act creating a special road law for Bailey County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10, 1935; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict here-

with; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 68, A bill to be entitled "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods, and storms which caused great destruction of property and loss of life in said county; remitting, releasing, granting, and donating to the property in and inhabitants of said county and to Orange County nine-tenths (9/10) of all ad valorem taxes levied or to be levied, on property in said county, including the rolling stock of railroads for the years 1932-1957, both inclusive, providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 71, A bill to be entitled "An Act to amend Article 6795, Title 116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said Chapter, Article 6795a, authorizing county commissioners' courts situated within any county having not less than 350,000 population according to the last preceding Federal census to

construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; and authorizing such commissioners' courts to contract with a proper person, firm or private corporation to own, finance, build, construct, maintain and operate a toll underpass or tunnel and to grant a franchise for that purpose for a period of not to exceed fifty (50) years, with the right of eminent domain, authorizing the promulgation of reasonable traffic rules and regulations and fixing reasonable rates; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 121, A bill to be entitled "An Act authorizing navigation districts organized under Chapter 5, Act of the Regular Session, 1925, to issue refunding bonds; providing for the payment thereof; authorizing the pledge of sinking funds and delinquent taxes to the payment thereof; enacting other provisions pertinent thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 122,

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 125,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment, and be not printed.

REGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 125 by striking out of Section No. 2, the following words: "and which shall be paid back to the State from the first funds available."

Committee Room,
Austin, Texas, Oct. 10, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 58, A bill to be entitled "An Act amending Section 2, H. B. No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State
Affairs, Held October 8, 1935.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

S. B. No. 1 was reported with the recommendation that it do not pass, but that the committee substitute in lieu thereof, with Committee Amendment No. 1, do pass and that the substitute only be mimeographed, by viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State
Affairs, Held on October 8, 1935,
at 5:15 p. m.

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

H. B. No. 52 was referred to a subcommittee.

H. B. No. 114 was reported favorably with the recommendation that it pass, and be not printed by a viva voce vote.

DeBerry requested to be recorded as voting "No."

H. B. No. 101 was reported favorably with the recommendation that it pass and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

Minutes of Committee on State
Affairs, Held October 9, 1935,

Called Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Isbell, Martin, Oneal, Rawlings, Regan, Redditt, Shivers, Small, Stone, Sulak.

Absent—Excused: Fellbaum, Moore.

H. B. No. 1 was reported favorably with the recommendation that it do pass, and be not printed by a viva voce vote.

H. B. No. 52 was reported favorably with the recommendation that it do pass, and be not printed by a viva voce vote.

ELIZABETH SUITER, Secretary.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

October 10, 1935.

The Senate met at 8:00 o'clock p. m., pursuant to adjournment, and was called to order by President Pro Tem. Will Martin.

The roll call disclosed "no quorum."

Senator DeBerry moved that a call of the Senate be ordered to secure